

## **REMARKS**

Applicant would like to thank the Examiner for the thorough review of the present application. As discussed in detail below, the present claims in the present application include recitations that patently distinguish the claimed invention over the cited references, taken individually or in combination. Based upon the following remarks, Applicant respectfully requests reconsideration of the present application and allowance of the pending claims.

### **Claims Status**

Claims 1-35 are pending in the present application.

Claims 36-38 are new claims.

Claims 1, 2, 9, 10, 14, 15, 21-24, 31, 32, and 34 are currently amended.

Specifically, claims 1, 14 and 23 has been amended to distinguish the claimed invention from the teachings of the cited 35 U.S.C. §102(b) reference.

Claims 2, 9, 10, 15, 21, 22, 24, 31, 32 and 34 have been amended to correct grammatical errors.

Claims 36-38 are being added to further distinguish the claimed invention from the teachings of the cited 35 U.S.C. §102(b) reference.

Distinguishing arguments are presented below.

### **Claim Rejections Under 35 U.S.C. § 102(b)**

Claims 1-3, 8-16, 21-25 and 30-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,903,265, issued to Bogdan (hereinafter, the Bogdan patent). Applicant respectfully submits that these rejections are overcome by the following arguments.

The Bogdan Patent Does Not Teach or Suggest Backing Up the Display Properties Being Performed Immediately Prior to Changing the at Least One Sample Icon's Appearance.

Independent claims 1, 14 and 23 have been amended to further limit the claimed invention by requiring that backing up the display properties of the display screen be performed immediately prior to changing the at least one sample icon's appearance. Support in the specification for limitation can be found at paragraph [0026], lines 3-9 of the application as filed (paragraph [0028] of the United States Published Application No. 20040090470), which states, "The first step is to back up the icon-related display properties of the display system, which are set to the original icon appearance of the display system, in the memory unit 40 (S1). Next, the second step is to display an icon control window including one or more sample icons upon receiving a user's request (S2). The third step of the method shown in FIG. 2 is to change the sample icon's appearance in accordance with the user's inputs received through the icon control window (S3). *The step of backing up the original display properties may be performed just before performing step S3.*" (Emphasis added).

The Bogdan patent does not teach or suggest backing up the display properties immediately prior to changing the at least one sample icon's appearance. The Examiner states in the current Office Action (page 3, last line – page 4, first line) that the Bogdan patent teaches, at column 4, lines 26-27, saving additional system metrics scheme by pressing the "Save Scheme" button 76. However, this process does not occur immediately prior to changing the icon appearance of the display system by changing the display properties in accordance with user inputs. The Applicant reasons that pressing the "Save Scheme" metrics merely provides for an additional metric scheme to be stored in device memory. The Applicant *assumes* that in order to have the saved scheme displayed in section 68, a user would need to access the drop down list

box 74, and activate/choose the newly saved additional scheme from amongst the list of saved schemes. Once activated/chosen, the scheme becomes the currently selected system metrics scheme that is active on the device. This is categorically different from the claimed invention, in which the display properties are backed up immediately prior to changing the at least one sample icon's appearance in accordance to inputs for a new icon appearance being received from a user through the icon control window. Stated in the alternate, the claimed invention provides for user inputs for a new icon appearance to be made through the icon control window, the inputs trigger backing up display properties of the display system, followed immediately by changing the at least one sample icon's appearance for a user's preview of the new icon appearance.

The Bogdan Patent Does Not Teach or Suggest Changing the at Least One Sample Icon's Appearance According to Inputs for a New Icon Appearance Being Received from a User Through the Icon Control Window

Independent claims 1, 14 and 23 limit the claimed invention by requiring changing the at least one sample icon's appearance according to the inputs for a new icon appearance being received from a user through the icon control window.

The Bogdan patent does not teach or suggest changing the at least one sample icon's appearance according to the inputs for a new icon appearance being received from a user through the icon control window. The Examiner asserts in the current Office Action, at page 5, lines 6-9, that the Bogdan patent teaches this element of the claimed invention, at column 4, lines 44-58, which states, "the user may click the mouse 44 on the upward arrow 84 to increase the element size and click the mouse on the downward arrow 84 to decrease the element size. In addition the user may put the caret on the value and directly edit the value." However, in order for these user inputs to read on the invention as claimed, the Examiner must assume that such changes in the Element Size box 82 will result in changes in the display in preview section 68. However, the Applicant asserts that the Bogdan patent provides no teaching that inputs to the Element Size box result in changes in the appearance in preview section 68 or even a suggestion that such action might occur. As previously noted, the Bogdan patent, at column 4, lines 20-24, states, "Example of window elements that are generated in accordance with the *currently selected system metrics*

*scheme* are displayed in section 68.” (Emphasis added). The currently selected system metrics scheme is the scheme currently being implemented on the computing device. In order for user inputs to the window element sizing box to be displayed in section 68, a user would have to engage the save scheme button 76, engage the metric scheme drop down list box 74 to display the newly saved scheme and activate the newly saved scheme to this make the newly selected scheme the *currently selected system metrics scheme* displayed in the preview section 68.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claim 1, 14 and 23. Claims 2, 3, 8-13, 15, 16, 21, 22, 24, 25 and 30-35 are believed allowable for at least the same reasons as presented above with respect to Claims 1, 14 and 23 by virtue of their dependence from Claims 1, 14 and 23.

#### **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 4-5, 17-18 and 26-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bogdan patent in further view of United States Patent Publication No. 2002/0054144, authored by Morris-Yates et al. (hereinafter the Morris-Yates publication). Applicant respectfully submits that these rejections are overcome by the following arguments.

Claims 4-5 depend from independent Claim 1. Claims 17-18 depend from independent Claim 14, Claims 26-27 depend from independent Claim 23. Therefore, the arguments presented above with respect to Claims 1, 14 and 23 are equally applicable to Claims 4-5, 17-18 and 26-27 and, as such Claims 4-5, 17-18 and 26-27 are believed allowable for at least the same reasons as presented above with respect to Claims 1, 14 and 23 by virtue of their dependence from Claims 1, 14 and 23.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections of Claim 4-5, 17-18 and 26-17.

**Newly Presented Claims**

Claim 36 further limits independent Claim 1 by requiring that backing up be performed *automatically, in response to the inputs for a new appearance* being received from the user through the icon control window (emphasis added).

The Bogdan patent is limited to a teaching, at column 4, lines 27-36, of “saving additional system metrics scheme by pressing the “Save Scheme” button 76”. The action of pressing the “Save Scheme” button requires user interaction and, as such, does not occur automatically in response to the inputs for a new appearance.

Claims 37 and 38 depend from Claim 36. Therefore, the arguments presented above with respect to Claim 36 are equally applicable to Claims 37 and 38 and, as such Claims 37 and 38 are believed allowable for at least the same reasons as presented above with respect to Claim 36 virtue of their dependence from Claim 36.

Accordingly, Applicant respectfully requests allowance of newly added Claims 36-38.

**Conclusion**

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Should any questions remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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